

FILED
at Santa Fe NM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NOV 22 2006

STATE OF NEW MEXICO *ex rel.*
State Engineer.

Plaintiff.

v.

ROMAN ARAGON, *et al.*

Defendants.

MATTHEW J. DYKMAN
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Cañones Creek, Section 7
Subfile No.: CHCC-002-0004B

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

DEREK STRAUCHI

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System. Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

8485

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s) 1975

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SARGENT CAÑONES DITCH

Location: X= 1,551,185 feet Y= 2,115.764 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	2.2 acres
Total	2.2 acres

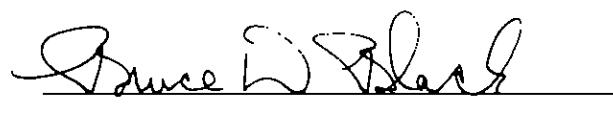
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCC-002-0004B

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

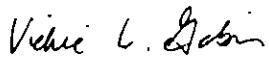
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



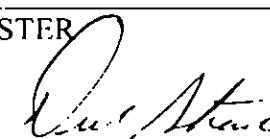
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE



DEREK STRAUCH

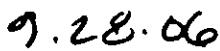
ADDRESS: HC75 Box 57
CHAMA, NM 87520

DATE: 9-21-06



EDWARD G. NEWVILLE

Special Assistant Attorney General



Date



LEGEND		N W E S	STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer	Subfile Number CHCC 002-0004B Sargent Canones Ditch AMENDED January 3, 2006
Irrigated Tract Boundary	Point of Diversion			
No Right Tract Boundary	(F) Fallow			
Seeped Land	(NR) No Right			
Operable Ditch / Lateral				
Inoperable Ditch / Lateral				
Reservoir / Stock Pond				

1 inch = 300 feet
0 50 100 200 300
Feet

Rio Chama Hydrographic Survey
Canones Creek Section